

1 AN ACT concerning methamphetamine.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Methamphetamine Control and Community Protection Act.

6 Section 5. Purpose. The purpose of this Act is to reduce
7 the damage that the manufacture and use of methamphetamine is
8 inflicting on families, communities, businesses, the economy,
9 and the environment in Illinois. In passing this Act, the
10 General Assembly finds that methamphetamine is fundamentally
11 different than other drugs regulated by the Illinois Controlled
12 Substances Act. In particular, the General Assembly finds that
13 the extraordinary harms relating to methamphetamine stem not
14 only from the use of the drug in this State, but also
15 significantly from the manufacture of the drug in this State.

16 Section 10. Definitions.

17 "Anhydrous ammonia" has the meaning provided in subsection
18 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

19 "Anhydrous ammonia equipment" means all items used to
20 store, hold, contain, handle, transfer, transport, or apply
21 anhydrous ammonia for lawful purposes.

22 "Blister pack" means a unit dose package commonly
23 constructed from a formed cavity containing one or more
24 individual doses.

25 "Booby trap" means any device designed to cause physical
26 injury when triggered by an act of a person approaching,
27 entering, or moving through a structure, a vehicle, or any
28 location where methamphetamine has been or is being
29 manufactured.

30 "Deliver" or "delivery" has the meaning provided in
31 subsection (h) of Section 102 of the Illinois Controlled

1 Substances Act.

2 "Dispose" or "disposal" means to abandon, discharge,
3 release, deposit, inject, dump, spill, leak, or place
4 methamphetamine waste onto or into any land, water, well, or
5 receptacle of any type so that the waste has the potential to
6 enter the environment, be emitted into the air, or be
7 discharged into the soil or any waters, including groundwater.

8 "Emergency response" means the act of collecting evidence,
9 securing a methamphetamine laboratory site, and cleaning up the
10 methamphetamine site, whether these actions are performed by
11 public entities or private contractors paid by public entities.

12 "Emergency service provider" means a local, state, or
13 federal peace officer, firefighter, emergency medical
14 technician-ambulance, emergency
15 medical-technician-intermediate, emergency medical
16 technician-paramedic, ambulance driver or other medical or
17 first aid personnel rendering aid.

18 "Firearm" has the definition provided in Section 1.1 of the
19 Firearm Owners Identification Card Act.

20 "Manufacture" means to produce, prepare, compound,
21 convert, process, synthesize, concentrate, purify, separate,
22 or extract any methamphetamine, methamphetamine precursor,
23 methamphetamine manufacturing reagent, methamphetamine
24 manufacturing solvent, or any substance containing any one of
25 these.

26 "Methamphetamine" means the chemical methamphetamine, or
27 the salt of an optical isomer thereof, or an analog thereof.

28 "Methamphetamine manufacturing environment" means a
29 structure or vehicle in which:

30 (A) methamphetamine is being or has been manufactured;

31 (B) chemicals that are being used, have been used, or
32 are intended to be used to manufacture methamphetamine are
33 stored;

34 (C) methamphetamine manufacturing materials that have
35 been used to manufacture methamphetamine are stored;

36 (D) methamphetamine manufacturing waste is stored.

1 "Methamphetamine manufacturing material" means any
2 methamphetamine precursor, substance containing a
3 methamphetamine precursor, methamphetamine manufacturing
4 solvent, methamphetamine manufacturing reagent, or other
5 chemical, substance, ingredient, equipment, apparatus, or item
6 that is being used, has been used, or is intended to be used in
7 the manufacture of methamphetamine.

8 "Methamphetamine manufacturing reagent" means any
9 substance that reacts with one or more methamphetamine
10 precursors, but does not become a substantial part of the
11 finished methamphetamine product.

12 "Methamphetamine manufacturing solvent" means any
13 substance that helps mix or combine chemicals, cool reactions,
14 or clean or purify finished methamphetamine that does not react
15 chemically with any methamphetamine precursor or
16 methamphetamine manufacturing reagent and does not become a
17 substantial part of the finished methamphetamine. The term
18 "methamphetamine manufacturing solvent" encompasses, but is
19 not limited to, anhydrous ammonia.

20 "Methamphetamine manufacturing waste" means any chemical,
21 substance, ingredient, equipment, apparatus, or item that
22 results from or is produced by the process of manufacturing
23 methamphetamine, including but not limited to any solid,
24 semisolid, liquid, or contained gaseous material or article, or
25 any container, packaging, or equipment.

26 "Methamphetamine precursor" means ephedrine,
27 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
28 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
29 isomer, or salt of optical isomer of any of these chemicals.

30 "Multi-unit dwelling" means a unified structure used or
31 intended for use as a habitation, home, or residence that
32 contains two or more condominiums, apartments, hotel rooms,
33 motel rooms, or other independent living units.

34 "Package" means an item marked for retail sale that is not
35 designed to be further broken down or subdivided for the
36 purpose of retail sale.

1 "Procure" means to purchase, steal, or otherwise obtain
2 methamphetamine manufacturing materials by legal or illegal
3 means.

4 "Standard pill form", as used in relation to any
5 methamphetamine precursor, means that the methamphetamine
6 precursor in question is contained in a tablet, capsule,
7 caplet, or similar product that has been manufactured by a
8 lawful entity and contains a standard quantity of
9 methamphetamine precursor.

10 "Unauthorized container", as used in relation to anhydrous
11 ammonia, means any container that is not designed for the
12 specific and sole purpose of holding, storing, transporting, or
13 applying anhydrous ammonia. The term "unauthorized container"
14 includes, but is not limited to, any propane tank, fire
15 extinguisher, oxygen cylinder, gasoline can, food or beverage
16 cooler, or compressed gas cylinder used in dispensing fountain
17 drinks. The term "unauthorized container" does not encompass
18 anhydrous ammonia manufacturing plants, refrigeration systems
19 where anhydrous ammonia is used solely as a refrigerant,
20 anhydrous ammonia transportation pipelines, or anhydrous
21 ammonia barges.

22 Section 15. Rule of evidence. The presence of any
23 methamphetamine precursor in a sealed, factory imprinted
24 container, including, but not limited to a bottle, box,
25 package, or blister pack, at the time of seizure by law
26 enforcement, is prima facie evidence that the methamphetamine
27 precursor located within the container is in fact the material
28 so described and in the amount listed on the container. The
29 factory imprinted container is admissible for a violation of
30 this Act for purposes of proving the contents of the container.

31 Section 20. Excluded activities. This Act does not apply to
32 the activities of the following:

33 (a) Law enforcement agencies, environmental agencies, or
34 other agencies of government with legal authorization to

1 conduct such activities;

2 (b) Public or private research institutions, corporations,
3 or other entities with legal authorization to conduct such
4 activities;

5 (c) Hospitals, clinics, medical practices, and other
6 entities involved in the provision of health care with legal
7 authorization to conduct such activities;

8 (d) Pharmaceutical manufacturers, pharmacists, retailers,
9 and other entities involved in the manufacture and distribution
10 of health care products with legal authorization to conduct
11 such activities;

12 (e) The employees of any of the entities just listed,
13 provided they are engaged in legitimate activities within the
14 scope of their employment; or

15 (f) The agents of any of the entities just listed, provided
16 they are engaged in legitimate activities within the scope of
17 their agency.

18 Section 25. Methamphetamine manufacturing.

19 (a) Methamphetamine manufacturing.

20 (1) It is unlawful knowingly to engage in the
21 manufacture of methamphetamine or a substance containing
22 methamphetamine, regardless of whether the manufacturing
23 process actually results in finished methamphetamine.

24 (2) A person who violates paragraph (1) of this
25 subsection (a) shall be subject to the following penalties:

26 (A) A person who manufactures less than 15 grams of
27 methamphetamine or a substance containing
28 methamphetamine is guilty of a Class 1 felony.

29 (B) A person who manufactures 15 or more but less
30 than 100 grams is guilty of a Class X felony, subject
31 to a term of imprisonment of not less than 6 years and
32 not more than 30 years, and subject to a fine not to
33 exceed \$100,000.

34 (C) A person who manufactures 100 or more grams but
35 less than 400 grams is guilty of a Class X felony,

1 subject to a term of imprisonment of not less than 8
2 years and not more than 40 years, and subject to a fine
3 not to exceed \$200,000.

4 (D) A person who manufactures 400 grams or more is
5 guilty of a Class X felony, subject to a term of
6 imprisonment of not less than 10 years and not more
7 than 50 years, and subject to a fine not to exceed
8 \$300,000.

9 (b) Aggravated methamphetamine manufacturing.

10 (1) It is unlawful knowingly to engage in the
11 aggravated manufacture of methamphetamine. A person
12 engages in aggravated manufacture of methamphetamine when
13 the person engages in the manufacture of methamphetamine
14 and:

15 (A) The person does so in a multi-unit dwelling;

16 (B) The person does so in a structure or vehicle
17 where a child or children under the age of 17 reside,
18 are present, or are endangered by the manufacture of
19 methamphetamine;

20 (C) The person does so in a structure or vehicle
21 where a woman the person knows to be pregnant resides,
22 is present, or is endangered by the methamphetamine
23 manufacture;

24 (D) The person does so in a structure or vehicle
25 containing or protected by one or more firearms, booby
26 traps, alarm systems, surveillance systems, guard
27 dogs, or dangerous animals;

28 (E) As a consequence of the person's
29 methamphetamine manufacturing, another person or
30 persons are killed or suffer serious bodily injury,
31 disability or disfigurement; or

32 (F) As a consequence of the person's
33 methamphetamine manufacturing, there is a fire,
34 explosion, or chemical release that damages property
35 belonging to another person; or

36 (G) The person knowingly organizes, directs, or

1 finances the methamphetamine manufacturing.

2 (2) A person who violates paragraph (1) of this
3 subsection (b) shall be subject to the following penalties:

4 (A) A person who manufactures less than 15 grams of
5 methamphetamine or a substance containing
6 methamphetamine is guilty of a Class X felony, subject
7 to a term of imprisonment of not less than 6 years and
8 not more than 30 years, and subject to a fine not to
9 exceed \$100,000.

10 (B) A person who manufactures 15 or more grams but
11 less than 100 grams is guilty of a Class X felony,
12 subject to a term of imprisonment of not less than 8
13 years and not more than 40 years, and subject to a fine
14 not to exceed \$200,000.

15 (C) A person who manufactures 100 grams or more is
16 guilty of a Class X felony, subject to a term of
17 imprisonment of not less than 10 years and not more
18 than 50 years, and subject to a fine not to exceed
19 \$300,000.

20 Section 30. Methamphetamine precursors.

21 (a) In standard pill form:

22 (1) It is unlawful to possess, procure, transport,
23 store, or deliver any methamphetamine precursor or
24 substance containing any methamphetamine precursor in
25 standard pill form with the intent that it be used to
26 manufacture methamphetamine or a substance containing
27 methamphetamine.

28 (2) A person who violates paragraph (1) of this
29 subsection (a) shall be subject to the following penalties:

30 (A) A person who possesses less than 15 grams of
31 methamphetamine precursor is guilty of a Class 2
32 felony.

33 (B) A person who possesses 15 or more grams but
34 less than 30 grams of methamphetamine precursor is
35 guilty of a Class 1 felony.

1 (C) A person who possesses 30 or more grams but
2 less than 150 grams of methamphetamine precursor is
3 guilty of a Class X felony, subject to a term of
4 imprisonment of not less than 6 years and not more than
5 30 years, and subject to a fine not to exceed \$100,000.

6 (D) A person who possesses 150 or more grams but
7 less than 500 grams of methamphetamine precursor is
8 guilty of a Class X felony, subject to a term of
9 imprisonment of not less than 8 years and not more than
10 40 years, and subject to a fine not to exceed \$200,000.

11 (E) A person who possesses 500 or more grams of
12 methamphetamine precursor is guilty of a Class X
13 felony, subject to a term of imprisonment of not less
14 than 10 years and not more than 50 years, and subject
15 to a fine not to exceed \$300,000.

16 (b) In any other form:

17 (1) It is unlawful to possess, procure, transport,
18 store, or deliver any methamphetamine precursor or
19 substance containing any methamphetamine precursor in any
20 form other than a standard pill form with the intent that
21 it be used to manufacture methamphetamine or a substance
22 containing methamphetamine.

23 (2) A person who violates paragraph (1) of this
24 subsection (b) shall be subject to the following penalties:

25 (A) A person who violates paragraph (1) of this
26 subsection (b) with the intent that less than 10 grams
27 of methamphetamine be manufactured is guilty of a Class
28 2 felony.

29 (B) A person who violates paragraph (1) of this
30 subsection (b) with the intent that 10 or more grams
31 but less than 20 grams of methamphetamine be
32 manufactured is guilty of a Class 1 felony.

33 (C) A person who violates paragraph (1) of this
34 subsection (b) with the intent that 20 or more grams
35 but less than 100 grams of methamphetamine be
36 manufactured is guilty of a Class X felony, subject to

1 a term of imprisonment of not less than 6 years and not
2 more than 30 years, and subject to a fine not to exceed
3 \$100,000.

4 (D) A person who violates paragraph (1) of this
5 subsection (b) with the intent that 100 or more grams
6 but less than 350 grams be manufactured is guilty of a
7 Class X felony, subject to a term of imprisonment of
8 not less than 8 years and not more than 40 years, and
9 subject to a fine not to exceed \$200,000.

10 (E) A person who violates paragraph (1) of this
11 subsection (b) with the intent that 350 or more grams
12 of methamphetamine is guilty of a Class X felony,
13 subject to a term of imprisonment of not less than 10
14 years and not more than 40 years, and subject to a fine
15 not to exceed \$300,000.

16 Section 35. Anhydrous ammonia.

17 (a) Possession, procurement, transportation, storage, or
18 delivery of anhydrous ammonia with the intent that it be used
19 to manufacture methamphetamine.

20 (1) It is unlawful to engage in the possession,
21 procurement, transportation, storage, or delivery of
22 anhydrous ammonia with the intent that it be used to
23 manufacture methamphetamine.

24 (2) A person who violates paragraph (1) of subsection
25 (a) of this Section is guilty of a Class 1 felony.

26 (b) Aggravated possession, procurement, transportation,
27 storage, or delivery of anhydrous ammonia with the intent that
28 it be used to manufacture methamphetamine.

29 (1) It is unlawful to engage in the aggravated
30 possession, procurement, transportation, storage, or
31 delivery of anhydrous ammonia with the intent that it be
32 used to manufacture methamphetamine. A person commits this
33 offense when he or she engages in the offense of
34 possession, procurement, transportation, storage, or
35 delivery of anhydrous ammonia with the intent that it be

1 used to manufacture methamphetamine and:

2 (A) The person does so in a multi-unit dwelling;

3 (B) The person does so in a structure or vehicle
4 where a child or children under the age of 17 reside,
5 are present, or are endangered by the anhydrous
6 ammonia;

7 (C) The person does so while in possession of a
8 firearm;

9 (D) As a consequence of the person's possession,
10 procurement, transportation, storage, or delivery of
11 anhydrous ammonia, another person or persons are
12 killed or suffer serious bodily injury, disability, or
13 disfigurement; or

14 (E) As a consequence of the person's possession,
15 procurement, transportation, storage, or delivery of
16 anhydrous ammonia, there is a fire, explosion, or
17 chemical release that damages property belonging to
18 another person.

19 (2) A person who violates paragraph (1) of subsection
20 (b) of this Section is guilty of a Class X felony, subject
21 to a term of imprisonment of not less than 6 years and not
22 more than 30 years, and subject to a fine not to exceed
23 \$100,000.

24 (c) Possession, procurement, transportation, storage, or
25 delivery of anhydrous ammonia in an unauthorized container.

26 (1) It is unlawful to possess, procure, transport,
27 store, or deliver anhydrous ammonia in an unauthorized
28 container.

29 (2) A person who violates paragraph (1) of subsection
30 (c) of this Section is guilty of a Class 3 felony.

31 (3) Affirmative Defense. It is an affirmative defense
32 that the person charged possessed, procured, transported,
33 stored, or delivered anhydrous ammonia in a manner that
34 substantially complied with the regulations governing
35 anhydrous ammonia equipment found in 8 Illinois
36 Administrative Code Section 215; in 92 Illinois

1 Administrative Code Sections 171 through 180; or in any
2 provision of the Code of Federal Regulations incorporated
3 by reference into these Sections of the Illinois
4 Administrative Code.

5 (d) Tampering with anhydrous ammonia equipment.

6 (1) It is unlawful to tamper with anhydrous ammonia
7 equipment. A person tampers with anhydrous ammonia
8 equipment when, without authorization from the lawful
9 owner, the person:

10 (A) Removes or attempts to remove anhydrous
11 ammonia from the anhydrous ammonia equipment used by
12 the lawful owner;

13 (B) Damages or attempts to damage the anhydrous
14 ammonia equipment used by the lawful owner; or

15 (C) Vents or attempts to vent anhydrous ammonia
16 into the environment.

17 (3) A person who violates paragraph (1) of subsection
18 (d) of this Section is guilty of a Class 3 felony.

19 Section 40. Methamphetamine manufacturing material.

20 (a) It is unlawful to engage in the possession,
21 procurement, transportation, storage, or delivery of any
22 methamphetamine manufacturing material - other than a
23 methamphetamine precursor, substance containing a
24 methamphetamine precursor, or anhydrous ammonia - with the
25 intent that it be used to manufacture methamphetamine.

26 (b) A person who violates subsection (a) of this Section is
27 guilty of a Class 1 felony.

28 Section 45. Use of property.

29 (a) With knowledge.

30 (1) It is unlawful for a person to use or allow the use
31 of a vehicle, a structure, real property, or personal
32 property within his or her control to help bring about a
33 violation of Section 25, 30, 35, 40, 45, or 50 of this Act,
34 if the person knows that the use of the vehicle, structure,

1 real property, or personal property is likely to help bring
2 about the violation.

3 (2) A person who violates paragraph (1) of this
4 subsection (a) of this Section is guilty of a Class 2
5 felony.

6 (b) With reckless disregard.

7 (1) It is unlawful for a person to use or allow the use
8 of a vehicle, a structure, real property, or personal
9 property within his or her control to help bring about a
10 violation of Section 25, 30, 35, 40, 45, or 50 of this Act,
11 if the person acts in reckless disregard of the fact that
12 that the use of the vehicle, structure, real property, or
13 personal property is likely to help bring about the
14 violation.

15 (2) A person who violates paragraph (1) of this
16 subsection (b) is guilty of a Class 4 felony.

17 Section 50. Protection of methamphetamine manufacturing.

18 (a) Protection of methamphetamine manufacturing.

19 (1) It is unlawful to engage in the protection of
20 methamphetamine manufacturing. A person engages in the
21 protection of methamphetamine manufacturing when:

22 (A) the person knows that others have been engaged,
23 are engaged, or will be engaged in the manufacture of
24 methamphetamine; and

25 (B) with the intent to help prevent detection of or
26 interference with the methamphetamine manufacturing,
27 the person serves as a lookout for or guard of the
28 methamphetamine manufacturing.

29 (2) A person who violates subsection (a) of this
30 Section is guilty of a Class 2 felony.

31 (b) Aggravated protection of methamphetamine
32 manufacturing.

33 (1) It is unlawful to engage in aggravated protection
34 of methamphetamine manufacturing. A person engages in
35 aggravated protection of methamphetamine manufacturing

1 when the person engages in protection of methamphetamine
2 manufacturing while in possession of a firearm.

3 (2) A person who violates subsection (b) of this
4 Section is guilty of a Class 1 felony.

5 Section 55. Methamphetamine manufacturing waste.

6 (a) It is unlawful to dispose of methamphetamine
7 manufacturing waste.

8 (b) A person who violates subsection (b) of this Section is
9 guilty of a Class 2 felony.

10 Section 60. Methamphetamine-related child endangerment.

11 (a) Methamphetamine-related child endangerment.

12 (1) It is unlawful to engage in
13 methamphetamine-related child endangerment. A person
14 engages in methamphetamine-related child endangerment when
15 the person knowingly endangers the life and health of a
16 child by exposing or allowing exposure of the child to a
17 methamphetamine manufacturing environment.

18 (2) A person who violates paragraph (1) of this
19 subsection (a) is guilty of a Class 2 felony.

20 (b) Aggravated methamphetamine-related child endangerment.

21 (1) It is unlawful to engage in aggravated
22 methamphetamine-related child endangerment. A person
23 engages in aggravated methamphetamine-related child
24 endangerment when the person violates paragraph (1) of this
25 subsection (a) of this Section and the child experiences
26 death, great bodily harm, disability or disfigurement as a
27 result of the drug-related child endangerment.

28 (2) A person who violates paragraph (1) of this
29 subsection (b) is guilty of a Class X felony, subject to a
30 term of imprisonment of not less than 6 years and not more
31 than 30 years, and subject to a fine not to exceed
32 \$100,000.

33 Section 65. Methamphetamine delivery.

1 (a) Delivery or possession with intent to deliver
2 methamphetamine or a substance containing methamphetamine.

3 (1) It is unlawful knowingly to engage in the delivery
4 or possession with intent to deliver methamphetamine or a
5 substance containing methamphetamine.

6 (2) A person who violates paragraph (1) of subsection
7 (a) of this Section shall be subject to the following
8 penalties:

9 (A) A person who delivers or possesses with intent
10 to deliver less than 5 grams of methamphetamine or a
11 substance containing methamphetamine is guilty of a
12 Class 2 felony.

13 (B) A person who delivers or possesses with intent
14 to deliver 5 or more grams but less than 15 grams is
15 guilty of a Class 1 felony.

16 (C) A person who delivers or possesses with intent
17 to deliver 15 or more grams but less than 100 grams is
18 guilty of a Class X felony, subject to a term of
19 imprisonment of not less than 6 years and not more than
20 30 years, and subject to a fine not to exceed \$100,000.

21 (D) A person who delivers or possesses with intent
22 to deliver 100 or more grams but less than 400 grams is
23 guilty of a Class X felony, subject to a term of
24 imprisonment of not less than 8 years and not more than
25 40 years, and subject to a fine not to exceed \$200,000.

26 (E) A person who delivers or possesses with intent
27 to deliver 400 or more grams is guilty of a Class X
28 felony, subject to a term of imprisonment of not less
29 than 10 years and not more than 50 years, and subject
30 to a fine not to exceed \$300,000.

31 (b) Aggravated delivery or possession with intent to
32 deliver methamphetamine or a substance containing
33 methamphetamine.

34 (1) It is unlawful knowingly to engage in the
35 aggravated delivery or possession with intent to deliver
36 methamphetamine or a substance containing methamphetamine.

1 A person knowingly engages in the aggravated delivery or
2 possession with intent to deliver methamphetamine or a
3 substance containing methamphetamine when:

4 (A) The person is over 18 years of age and delivers
5 or possesses with intent to deliver the
6 methamphetamine or substance containing
7 methamphetamine to a person under 18 years of age;

8 (B) The person is over 18 years of age and has
9 used, engaged, employed, or caused another person to
10 use, engage, or employ a person under 18 years of age
11 to deliver the methamphetamine or substance containing
12 methamphetamine;

13 (C) The person delivers or possesses with intent to
14 deliver the methamphetamine or substance containing
15 methamphetamine in any school, on any real property
16 comprising any school, or in any conveyance owned,
17 leased, or contracted by a school to transport students
18 to or from school or a school-related activity;

19 (D) The person has delivered or caused another
20 person to deliver the methamphetamine to a woman that
21 the person knows to be pregnant; or

22 (E) The person has brought or caused to be brought
23 the methamphetamine or substance containing
24 methamphetamine into Illinois from a location outside
25 of Illinois.

26 (2) A person who violates paragraph (1) of subsection
27 (b) of this Section shall be subject to the following
28 penalties:

29 (A) A person who delivers or possesses with intent
30 to deliver less than 5 grams of methamphetamine or a
31 substance containing methamphetamine is guilty of a
32 Class 1 felony.

33 (B) A person who delivers or possesses with intent
34 to deliver 5 or more grams but less than 15 grams is
35 guilty of a Class X felony, subject to a term of
36 imprisonment of not less than 6 years and not more than

1 30 years, and subject to a fine not to exceed \$100,000.

2 (C) A person who delivers or possesses with intent
3 to deliver 15 or more grams but less than 100 grams is
4 guilty of a Class X felony, subject to a term of
5 imprisonment of not less than 8 years and not more than
6 40 years, and subject to a fine not to exceed \$200,000.

7 (D) A person who delivers or possesses with intent
8 to deliver 100 or more grams is guilty of a Class X
9 felony, subject to a term of imprisonment of not less
10 than 10 years and not more than 50 years, and subject
11 to a fine not to exceed \$300,000.

12 Section 70. Methamphetamine possession.

13 (a) It is unlawful knowingly to possess methamphetamine or
14 a substance containing methamphetamine.

15 (b) A person who violates subsection (a) of this Section
16 shall be subject to the following penalties:

17 (1) A person who possesses less than 5 grams of
18 methamphetamine or a substance containing methamphetamine
19 is guilty of a Class 3 felony.

20 (2) A person who possesses 5 or more grams but less
21 than 15 grams is guilty of a Class 2 felony.

22 (3) A person who possesses 15 or more grams but less
23 than 100 grams is guilty of a Class 1 felony.

24 (4) A person who possesses 100 or more grams but less
25 than 400 grams is guilty of a Class X felony, subject to a
26 term of imprisonment of not less than 6 years and not more
27 than 30 years, and subject to a fine not to exceed
28 \$100,000.

29 (5) A person who possesses 400 or more grams but less
30 than 900 grams is guilty of a Class X felony, subject to a
31 term of imprisonment of not less than 8 years and not more
32 than 40 years, and subject to a fine not to exceed
33 \$200,000.

34 (6) A person who possesses 900 or more grams is guilty
35 of a Class X felony, subject to a term of imprisonment of

1 not less than 10 years and not more than 50 years, and
2 subject to a fine not to exceed \$300,000.

3 Section 75. Methamphetamine conspiracy.

4 (a) It is unlawful to engage in a methamphetamine
5 conspiracy. A person engages in a methamphetamine conspiracy
6 when:

7 (1) The person intends to violate one or more
8 provisions of this Act;

9 (2) The person agrees with one or more persons to
10 violate one or more provisions of this Act; and

11 (3) The person or any party to the agreement commits an
12 act in furtherance of the agreement.

13 (b) A person convicted of this offense shall face the
14 penalty for the offense that is the object of the conspiracy
15 and may be held accountable for the cumulative weight of any
16 methamphetamine precursors, methamphetamine, or substance
17 containing methamphetamine attributable to the conspiracy for
18 the duration of the conspiracy.

19 (c) Coconspirator Conduct. It is not a defense to a
20 methamphetamine conspiracy charge that the person or persons
21 with whom the person charged is alleged to have conspired have
22 not been prosecuted or convicted, have been acquitted, have
23 been convicted of a different offense, are not amenable to
24 justice, or lacked the capacity to commit the offense.

25 Section 80. Methamphetamine restitution. If a person is
26 convicted of a violation of this Act, in a manner that requires
27 an emergency response, the person convicted shall be required
28 to make restitution to all public entities involved in the
29 emergency response, to cover the reasonable cost of their
30 participation in the emergency response. The convicted person
31 shall make this restitution in addition to any other fine or
32 penalty required by law.

33 Section 85. Sentencing.

1 (a) Any person convicted of a second or subsequent offense
2 under this Act may be sentenced to imprisonment for a term up
3 to twice the maximum term otherwise authorized, fined an amount
4 up to twice that otherwise authorized, or both.

5 (b) For purposes of this Section, an offense is considered
6 a second or subsequent offense if, prior to the offender's
7 conviction of the offense, he or she has at any time been
8 convicted under this Act, the Illinois Controlled Substances
9 Act, the Cannabis Control Act, or another Act of this State,
10 another state, or the United States relating to controlled
11 substances.

12 Section 90. Applicability. A prosecution for any violation
13 of law occurring prior to the effective date of this Act is not
14 affected or abated by this Act. If the offense being prosecuted
15 would be a violation of this Act, and has not reached the
16 sentencing stage or final adjudication, then for purposes of
17 penalty the penalties under this Act apply if they are less
18 than under the prior law upon which the prosecution was
19 commenced.

20 (720 ILCS 5/21-1.5 rep.)

21 Section 905. The Criminal Code of 1961 is amended by
22 repealing Section 21-1.5.

23 Section 910. The Illinois Controlled Substances Act is
24 amended by changing Sections 102, 401, 402, and 407 as follows:

25 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

26 Sec. 102. Definitions. As used in this Act, unless the
27 context otherwise requires:

28 (a) "Addict" means any person who habitually uses any drug,
29 chemical, substance or dangerous drug other than alcohol so as
30 to endanger the public morals, health, safety or welfare or who
31 is so far addicted to the use of a dangerous drug or controlled
32 substance other than alcohol as to have lost the power of self

1 control with reference to his addiction.

2 (b) "Administer" means the direct application of a
3 controlled substance, whether by injection, inhalation,
4 ingestion, or any other means, to the body of a patient,
5 research subject, or animal (as defined by the Humane
6 Euthanasia in Animal Shelters Act) by:

7 (1) a practitioner (or, in his presence, by his
8 authorized agent),

9 (2) the patient or research subject at the lawful
10 direction of the practitioner, or

11 (3) a euthanasia technician as defined by the Humane
12 Euthanasia in Animal Shelters Act.

13 (c) "Agent" means an authorized person who acts on behalf
14 of or at the direction of a manufacturer, distributor, or
15 dispenser. It does not include a common or contract carrier,
16 public warehouseman or employee of the carrier or warehouseman.

17 (c-1) "Anabolic Steroids" means any drug or hormonal
18 substance, chemically and pharmacologically related to
19 testosterone (other than estrogens, progestins, and
20 corticosteroids) that promotes muscle growth, and includes:

21 (i) boldenone,

22 (ii) chlorotestosterone,

23 (iii) chostebol,

24 (iv) dehydrochlormethyltestosterone,

25 (v) dihydrotestosterone,

26 (vi) drostanolone,

27 (vii) ethylestrenol,

28 (viii) fluoxymesterone,

29 (ix) formebulone,

30 (x) mesterolone,

31 (xi) methandienone,

32 (xii) methandranone,

33 (xiii) methandriol,

34 (xiv) methandrostenolone,

35 (xv) methenolone,

36 (xvi) methyltestosterone,

1 (xvii) mibolerone,
2 (xviii) nandrolone,
3 (xix) norethandrolone,
4 (xx) oxandrolone,
5 (xxi) oxymesterone,
6 (xxii) oxymetholone,
7 (xxiii) stanolone,
8 (xxiv) stanozolol,
9 (xxv) testolactone,
10 (xxvi) testosterone,
11 (xxvii) trenbolone, and
12 (xxviii) any salt, ester, or isomer of a drug or
13 substance described or listed in this paragraph, if
14 that salt, ester, or isomer promotes muscle growth.

15 Any person who is otherwise lawfully in possession of an
16 anabolic steroid, or who otherwise lawfully manufactures,
17 distributes, dispenses, delivers, or possesses with intent to
18 deliver an anabolic steroid, which anabolic steroid is
19 expressly intended for and lawfully allowed to be administered
20 through implants to livestock or other nonhuman species, and
21 which is approved by the Secretary of Health and Human Services
22 for such administration, and which the person intends to
23 administer or have administered through such implants, shall
24 not be considered to be in unauthorized possession or to
25 unlawfully manufacture, distribute, dispense, deliver, or
26 possess with intent to deliver such anabolic steroid for
27 purposes of this Act.

28 (d) "Administration" means the Drug Enforcement
29 Administration, United States Department of Justice, or its
30 successor agency.

31 (e) "Control" means to add a drug or other substance, or
32 immediate precursor, to a Schedule under Article II of this Act
33 whether by transfer from another Schedule or otherwise.

34 (f) "Controlled Substance" means a drug, substance, or
35 immediate precursor in the Schedules of Article II of this Act.

36 (g) "Counterfeit substance" means a controlled substance,

1 which, or the container or labeling of which, without
2 authorization bears the trademark, trade name, or other
3 identifying mark, imprint, number or device, or any likeness
4 thereof, of a manufacturer, distributor, or dispenser other
5 than the person who in fact manufactured, distributed, or
6 dispensed the substance.

7 (h) "Deliver" or "delivery" means the actual, constructive
8 or attempted transfer of possession of a controlled substance,
9 with or without consideration, whether or not there is an
10 agency relationship.

11 (i) "Department" means the Illinois Department of Human
12 Services (as successor to the Department of Alcoholism and
13 Substance Abuse) or its successor agency.

14 (j) "Department of State Police" means the Department of
15 State Police of the State of Illinois or its successor agency.

16 (k) "Department of Corrections" means the Department of
17 Corrections of the State of Illinois or its successor agency.

18 (l) "Department of Professional Regulation" means the
19 Department of Professional Regulation of the State of Illinois
20 or its successor agency.

21 (m) "Depressant" or "stimulant substance" means:

22 (1) a drug which contains any quantity of (i)
23 barbituric acid or any of the salts of barbituric acid
24 which has been designated as habit forming under section
25 502 (d) of the Federal Food, Drug, and Cosmetic Act (21
26 U.S.C. 352 (d)); or

27 (2) a drug which contains any quantity of (i)
28 amphetamine or methamphetamine and any of their optical
29 isomers; (ii) any salt of amphetamine or methamphetamine or
30 any salt of an optical isomer of amphetamine; or (iii) any
31 substance which the Department, after investigation, has
32 found to be, and by rule designated as, habit forming
33 because of its depressant or stimulant effect on the
34 central nervous system; or

35 (3) lysergic acid diethylamide; or

36 (4) any drug which contains any quantity of a substance

1 which the Department, after investigation, has found to
2 have, and by rule designated as having, a potential for
3 abuse because of its depressant or stimulant effect on the
4 central nervous system or its hallucinogenic effect.

5 (n) (Blank).

6 (o) "Director" means the Director of the Department of
7 State Police or the Department of Professional Regulation or
8 his designated agents.

9 (p) "Dispense" means to deliver a controlled substance to
10 an ultimate user or research subject by or pursuant to the
11 lawful order of a prescriber, including the prescribing,
12 administering, packaging, labeling, or compounding necessary
13 to prepare the substance for that delivery.

14 (q) "Dispenser" means a practitioner who dispenses.

15 (r) "Distribute" means to deliver, other than by
16 administering or dispensing, a controlled substance.

17 (s) "Distributor" means a person who distributes.

18 (t) "Drug" means (1) substances recognized as drugs in the
19 official United States Pharmacopoeia, Official Homeopathic
20 Pharmacopoeia of the United States, or official National
21 Formulary, or any supplement to any of them; (2) substances
22 intended for use in diagnosis, cure, mitigation, treatment, or
23 prevention of disease in man or animals; (3) substances (other
24 than food) intended to affect the structure of any function of
25 the body of man or animals and (4) substances intended for use
26 as a component of any article specified in clause (1), (2), or
27 (3) of this subsection. It does not include devices or their
28 components, parts, or accessories.

29 (t-5) "Euthanasia agency" means an entity certified by the
30 Department of Professional Regulation for the purpose of animal
31 euthanasia that holds an animal control facility license or
32 animal shelter license under the Animal Welfare Act. A
33 euthanasia agency is authorized to purchase, store, possess,
34 and utilize Schedule II nonnarcotic and Schedule III
35 nonnarcotic drugs for the sole purpose of animal euthanasia.

36 (t-10) "Euthanasia drugs" means Schedule II or Schedule III

1 substances (nonnarcotic controlled substances) that are used
2 by a euthanasia agency for the purpose of animal euthanasia.

3 (u) "Good faith" means the prescribing or dispensing of a
4 controlled substance by a practitioner in the regular course of
5 professional treatment to or for any person who is under his
6 treatment for a pathology or condition other than that
7 individual's physical or psychological dependence upon or
8 addiction to a controlled substance, except as provided herein:
9 and application of the term to a pharmacist shall mean the
10 dispensing of a controlled substance pursuant to the
11 prescriber's order which in the professional judgment of the
12 pharmacist is lawful. The pharmacist shall be guided by
13 accepted professional standards including, but not limited to
14 the following, in making the judgment:

15 (1) lack of consistency of doctor-patient
16 relationship,

17 (2) frequency of prescriptions for same drug by one
18 prescriber for large numbers of patients,

19 (3) quantities beyond those normally prescribed,

20 (4) unusual dosages,

21 (5) unusual geographic distances between patient,
22 pharmacist and prescriber,

23 (6) consistent prescribing of habit-forming drugs.

24 (u-1) "Home infusion services" means services provided by a
25 pharmacy in compounding solutions for direct administration to
26 a patient in a private residence, long-term care facility, or
27 hospice setting by means of parenteral, intravenous,
28 intramuscular, subcutaneous, or intraspinal infusion.

29 (v) "Immediate precursor" means a substance:

30 (1) which the Department has found to be and by rule
31 designated as being a principal compound used, or produced
32 primarily for use, in the manufacture of a controlled
33 substance;

34 (2) which is an immediate chemical intermediary used or
35 likely to be used in the manufacture of such controlled
36 substance; and

1 (3) the control of which is necessary to prevent,
2 curtail or limit the manufacture of such controlled
3 substance.

4 (w) "Instructional activities" means the acts of teaching,
5 educating or instructing by practitioners using controlled
6 substances within educational facilities approved by the State
7 Board of Education or its successor agency.

8 (x) "Local authorities" means a duly organized State,
9 County or Municipal peace unit or police force.

10 (y) "Look-alike substance" means a substance, other than a
11 controlled substance which (1) by overall dosage unit
12 appearance, including shape, color, size, markings or lack
13 thereof, taste, consistency, or any other identifying physical
14 characteristic of the substance, would lead a reasonable person
15 to believe that the substance is a controlled substance, or (2)
16 is expressly or impliedly represented to be a controlled
17 substance or is distributed under circumstances which would
18 lead a reasonable person to believe that the substance is a
19 controlled substance. For the purpose of determining whether
20 the representations made or the circumstances of the
21 distribution would lead a reasonable person to believe the
22 substance to be a controlled substance under this clause (2) of
23 subsection (y), the court or other authority may consider the
24 following factors in addition to any other factor that may be
25 relevant:

26 (a) statements made by the owner or person in control
27 of the substance concerning its nature, use or effect;

28 (b) statements made to the buyer or recipient that the
29 substance may be resold for profit;

30 (c) whether the substance is packaged in a manner
31 normally used for the illegal distribution of controlled
32 substances;

33 (d) whether the distribution or attempted distribution
34 included an exchange of or demand for money or other
35 property as consideration, and whether the amount of the
36 consideration was substantially greater than the

1 reasonable retail market value of the substance.

2 Clause (1) of this subsection (y) shall not apply to a
3 noncontrolled substance in its finished dosage form that was
4 initially introduced into commerce prior to the initial
5 introduction into commerce of a controlled substance in its
6 finished dosage form which it may substantially resemble.

7 Nothing in this subsection (y) prohibits the dispensing or
8 distributing of noncontrolled substances by persons authorized
9 to dispense and distribute controlled substances under this
10 Act, provided that such action would be deemed to be carried
11 out in good faith under subsection (u) if the substances
12 involved were controlled substances.

13 Nothing in this subsection (y) or in this Act prohibits the
14 manufacture, preparation, propagation, compounding,
15 processing, packaging, advertising or distribution of a drug or
16 drugs by any person registered pursuant to Section 510 of the
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

18 (y-1) "Mail-order pharmacy" means a pharmacy that is
19 located in a state of the United States, other than Illinois,
20 that delivers, dispenses or distributes, through the United
21 States Postal Service or other common carrier, to Illinois
22 residents, any substance which requires a prescription.

23 (z) "Manufacture" means the production, preparation,
24 propagation, compounding, conversion or processing of a
25 controlled substance, either directly or indirectly, by
26 extraction from substances of natural origin, or independently
27 by means of chemical synthesis, or by a combination of
28 extraction and chemical synthesis, and includes any packaging
29 or repackaging of the substance or labeling of its container,
30 except that this term does not include:

31 (1) by an ultimate user, the preparation or compounding
32 of a controlled substance for his own use; or

33 (2) by a practitioner, or his authorized agent under
34 his supervision, the preparation, compounding, packaging,
35 or labeling of a controlled substance:

36 (a) as an incident to his administering or

1 dispensing of a controlled substance in the course of
2 his professional practice; or

3 (b) as an incident to lawful research, teaching or
4 chemical analysis and not for sale.

5 (z-1) (Blank). ~~"Methamphetamine manufacturing chemical"~~
6 ~~means any of the following chemicals or substances containing~~
7 ~~any of the following chemicals: benzyl methyl ketone,~~
8 ~~ephedrine, methyl benzyl ketone, phenylacetone,~~
9 ~~phenyl 2 propanone, pseudoephedrine, or red phosphorous or any~~
10 ~~of the salts, optical isomers, or salts of optical isomers of~~
11 ~~the above listed chemicals.~~

12 (aa) "Narcotic drug" means any of the following, whether
13 produced directly or indirectly by extraction from substances
14 of natural origin, or independently by means of chemical
15 synthesis, or by a combination of extraction and chemical
16 synthesis:

17 (1) opium and opiate, and any salt, compound,
18 derivative, or preparation of opium or opiate;

19 (2) any salt, compound, isomer, derivative, or
20 preparation thereof which is chemically equivalent or
21 identical with any of the substances referred to in clause
22 (1), but not including the isoquinoline alkaloids of opium;

23 (3) opium poppy and poppy straw;

24 (4) coca leaves and any salts, compound, isomer, salt
25 of an isomer, derivative, or preparation of coca leaves
26 including cocaine or ecgonine, and any salt, compound,
27 isomer, derivative, or preparation thereof which is
28 chemically equivalent or identical with any of these
29 substances, but not including decocainized coca leaves or
30 extractions of coca leaves which do not contain cocaine or
31 ecgonine (for the purpose of this paragraph, the term
32 "isomer" includes optical, positional and geometric
33 isomers).

34 (bb) "Nurse" means a registered nurse licensed under the
35 Nursing and Advanced Practice Nursing Act.

36 (cc) (Blank).

1 (dd) "Opiate" means any substance having an addiction
2 forming or addiction sustaining liability similar to morphine
3 or being capable of conversion into a drug having addiction
4 forming or addiction sustaining liability.

5 (ee) "Opium poppy" means the plant of the species *Papaver*
6 *somniferum* L., except its seeds.

7 (ff) "Parole and Pardon Board" means the Parole and Pardon
8 Board of the State of Illinois or its successor agency.

9 (gg) "Person" means any individual, corporation,
10 mail-order pharmacy, government or governmental subdivision or
11 agency, business trust, estate, trust, partnership or
12 association, or any other entity.

13 (hh) "Pharmacist" means any person who holds a certificate
14 of registration as a registered pharmacist, a local registered
15 pharmacist or a registered assistant pharmacist under the
16 Pharmacy Practice Act of 1987.

17 (ii) "Pharmacy" means any store, ship or other place in
18 which pharmacy is authorized to be practiced under the Pharmacy
19 Practice Act of 1987.

20 (jj) "Poppy straw" means all parts, except the seeds, of
21 the opium poppy, after mowing.

22 (kk) "Practitioner" means a physician licensed to practice
23 medicine in all its branches, dentist, podiatrist,
24 veterinarian, scientific investigator, pharmacist, physician
25 assistant, advanced practice nurse, licensed practical nurse,
26 registered nurse, hospital, laboratory, or pharmacy, or other
27 person licensed, registered, or otherwise lawfully permitted
28 by the United States or this State to distribute, dispense,
29 conduct research with respect to, administer or use in teaching
30 or chemical analysis, a controlled substance in the course of
31 professional practice or research.

32 (ll) "Pre-printed prescription" means a written
33 prescription upon which the designated drug has been indicated
34 prior to the time of issuance.

35 (mm) "Prescriber" means a physician licensed to practice
36 medicine in all its branches, dentist, podiatrist or

1 veterinarian who issues a prescription, a physician assistant
2 who issues a prescription for a Schedule III, IV, or V
3 controlled substance in accordance with Section 303.05 and the
4 written guidelines required under Section 7.5 of the Physician
5 Assistant Practice Act of 1987, or an advanced practice nurse
6 with prescriptive authority in accordance with Section 303.05
7 and a written collaborative agreement under Sections 15-15 and
8 15-20 of the Nursing and Advanced Practice Nursing Act.

9 (nn) "Prescription" means a lawful written, facsimile, or
10 verbal order of a physician licensed to practice medicine in
11 all its branches, dentist, podiatrist or veterinarian for any
12 controlled substance, of a physician assistant for a Schedule
13 III, IV, or V controlled substance in accordance with Section
14 303.05 and the written guidelines required under Section 7.5 of
15 the Physician Assistant Practice Act of 1987, or of an advanced
16 practice nurse who issues a prescription for a Schedule III,
17 IV, or V controlled substance in accordance with Section 303.05
18 and a written collaborative agreement under Sections 15-15 and
19 15-20 of the Nursing and Advanced Practice Nursing Act.

20 (oo) "Production" or "produce" means manufacture,
21 planting, cultivating, growing, or harvesting of a controlled
22 substance.

23 (pp) "Registrant" means every person who is required to
24 register under Section 302 of this Act.

25 (qq) "Registry number" means the number assigned to each
26 person authorized to handle controlled substances under the
27 laws of the United States and of this State.

28 (rr) "State" includes the State of Illinois and any state,
29 district, commonwealth, territory, insular possession thereof,
30 and any area subject to the legal authority of the United
31 States of America.

32 (ss) "Ultimate user" means a person who lawfully possesses
33 a controlled substance for his own use or for the use of a
34 member of his household or for administering to an animal owned
35 by him or by a member of his household.

36 (Source: P.A. 92-449, eff. 1-1-02; 93-596, eff. 8-26-03;

1 93-626, eff. 12-23-03.)

2 (720 ILCS 570/401) (from Ch. 56 1/2, par. 1401)

3 Sec. 401. Except as authorized by this Act, it is unlawful
4 for any person knowingly to: ~~(i)~~ manufacture or deliver, or
5 possess with intent to manufacture or deliver, a controlled or
6 counterfeit substance or controlled substance analog ~~or (ii)~~
7 ~~possess any methamphetamine manufacturing chemical listed in~~
8 ~~paragraph (z 1) of Section 102 with the intent to manufacture~~
9 ~~methamphetamine or the salt of an optical isomer of~~
10 ~~methamphetamine or an analog thereof.~~ A violation of this Act
11 with respect to each of the controlled substances listed herein
12 constitutes a single and separate violation of this Act. For
13 purposes of this Section, "controlled substance analog" or
14 "analog" means a substance which is intended for human
15 consumption, other than a controlled substance, that has a
16 chemical structure substantially similar to that of a
17 controlled substance in Schedule I or II, or that was
18 specifically designed to produce an effect substantially
19 similar to that of a controlled substance in Schedule I or II.
20 Examples of chemical classes in which controlled substance
21 analogs are found include, but are not limited to, the
22 following: phenethylamines, N-substituted piperidines,
23 morphinans, ecgonines, quinazolinones, substituted indoles,
24 and arylcycloalkylamines. For purposes of this Act, a
25 controlled substance analog shall be treated in the same manner
26 as the controlled substance to which it is substantially
27 similar.

28 (a) Any person who violates this Section with respect to
29 the following amounts of controlled or counterfeit substances
30 or controlled substance analogs, notwithstanding any of the
31 provisions of subsections (c), (c-5), (d), (d-5), (e), (f), (g)
32 or (h) to the contrary, is guilty of a Class X felony and shall
33 be sentenced to a term of imprisonment as provided in this
34 subsection (a) and fined as provided in subsection (b):

35 (1) (A) not less than 6 years and not more than 30

1 years with respect to 15 grams or more but less than
2 100 grams of a substance containing heroin, or an
3 analog thereof;

4 (B) not less than 9 years and not more than 40
5 years with respect to 100 grams or more but less than
6 400 grams of a substance containing heroin, or an
7 analog thereof;

8 (C) not less than 12 years and not more than 50
9 years with respect to 400 grams or more but less than
10 900 grams of a substance containing heroin, or an
11 analog thereof;

12 (D) not less than 15 years and not more than 60
13 years with respect to 900 grams or more of any
14 substance containing heroin, or an analog thereof;

15 (2) (A) not less than 6 years and not more than 30
16 years with respect to 15 grams or more but less than
17 100 grams of a substance containing cocaine, or an
18 analog thereof;

19 (B) not less than 9 years and not more than 40
20 years with respect to 100 grams or more but less than
21 400 grams of a substance containing cocaine, or an
22 analog thereof;

23 (C) not less than 12 years and not more than 50
24 years with respect to 400 grams or more but less than
25 900 grams of a substance containing cocaine, or an
26 analog thereof;

27 (D) not less than 15 years and not more than 60
28 years with respect to 900 grams or more of any
29 substance containing cocaine, or an analog thereof;

30 (3) (A) not less than 6 years and not more than 30
31 years with respect to 15 grams or more but less than
32 100 grams of a substance containing morphine, or an
33 analog thereof;

34 (B) not less than 9 years and not more than 40
35 years with respect to 100 grams or more but less than
36 400 grams of a substance containing morphine, or an

1 analog thereof;

2 (C) not less than 12 years and not more than 50
3 years with respect to 400 grams or more but less than
4 900 grams of a substance containing morphine, or an
5 analog thereof;

6 (D) not less than 15 years and not more than 60
7 years with respect to 900 grams or more of a substance
8 containing morphine, or an analog thereof;

9 (4) 200 grams or more of any substance containing
10 peyote, or an analog thereof;

11 (5) 200 grams or more of any substance containing a
12 derivative of barbituric acid or any of the salts of a
13 derivative of barbituric acid, or an analog thereof;

14 (6) 200 grams or more of any substance containing
15 amphetamine or any salt of an optical isomer of
16 amphetamine, or an analog thereof;

17 (6.5) (blank); ~~(A) not less than 6 years and not more~~
18 ~~than 30 years with respect to 15 grams or more but less~~
19 ~~than 100 grams of a substance containing~~
20 ~~methamphetamine or any salt of an optical isomer of~~
21 ~~methamphetamine, or an analog thereof;~~

22 ~~(B) not less than 9 years and not more than 40~~
23 ~~years with respect to 100 grams or more but less than~~
24 ~~400 grams of a substance containing methamphetamine or~~
25 ~~any salt of an optical isomer of methamphetamine, or an~~
26 ~~analog thereof;~~

27 ~~(C) not less than 12 years and not more than 50~~
28 ~~years with respect to 400 grams or more but less than~~
29 ~~900 grams of a substance containing methamphetamine or~~
30 ~~any salt of an optical isomer of methamphetamine, or an~~
31 ~~analog thereof;~~

32 ~~(D) not less than 15 years and not more than 60~~
33 ~~years with respect to 900 grams or more of any~~
34 ~~substance containing methamphetamine or any salt of an~~
35 ~~optical isomer of methamphetamine, or an analog~~
36 ~~thereof.~~

1 (6.6) (blank); ~~(A) not less than 6 years and not more~~
2 ~~than 30 years for the possession of any methamphetamine~~
3 ~~manufacturing chemical set forth in paragraph (z-1) of~~
4 ~~Section 102 with intent to manufacture 30 grams or more~~
5 ~~but less than 150 grams of any substance containing~~
6 ~~methamphetamine, or salt of any optical isomer of~~
7 ~~methamphetamine, or an analog thereof;~~

8 ~~(B) not less than 6 years and not more than 40~~
9 ~~years for the possession of any methamphetamine~~
10 ~~manufacturing chemical set forth in paragraph (z-1) of~~
11 ~~Section 102 with intent to manufacture 150 grams or~~
12 ~~more but less than 500 grams of any substance~~
13 ~~containing methamphetamine, or salt of an optical~~
14 ~~isomer of methamphetamine, or an analog thereof;~~

15 ~~(C) not less than 6 years and not more than 50~~
16 ~~years for the possession of any methamphetamine~~
17 ~~manufacturing chemical set forth in paragraph (z-1) of~~
18 ~~Section 102 with intent to manufacture 500 grams or~~
19 ~~more but less than 1200 grams of any substance~~
20 ~~containing methamphetamine, or salt of an optical~~
21 ~~isomer of methamphetamine, or an analog thereof;~~

22 ~~(D) not less than 6 years and not more than 60~~
23 ~~years for the possession of any methamphetamine~~
24 ~~manufacturing chemical set forth in paragraph (z-1) of~~
25 ~~Section 102 with intent to manufacture 1200 grams or~~
26 ~~more of any substance containing methamphetamine, or~~
27 ~~salt of an optical isomer of methamphetamine, or an~~
28 ~~analog thereof;~~

29 (7) (A) not less than 6 years and not more than 30
30 years with respect to: (i) 15 grams or more but less
31 than 100 grams of a substance containing lysergic acid
32 diethylamide (LSD), or an analog thereof, or (ii) 15 or
33 more objects or 15 or more segregated parts of an
34 object or objects but less than 200 objects or 200
35 segregated parts of an object or objects containing in
36 them or having upon them any amounts of any substance

1 containing lysergic acid diethylamide (LSD), or an
2 analog thereof;

3 (B) not less than 9 years and not more than 40
4 years with respect to: (i) 100 grams or more but less
5 than 400 grams of a substance containing lysergic acid
6 diethylamide (LSD), or an analog thereof, or (ii) 200
7 or more objects or 200 or more segregated parts of an
8 object or objects but less than 600 objects or less
9 than 600 segregated parts of an object or objects
10 containing in them or having upon them any amount of
11 any substance containing lysergic acid diethylamide
12 (LSD), or an analog thereof;

13 (C) not less than 12 years and not more than 50
14 years with respect to: (i) 400 grams or more but less
15 than 900 grams of a substance containing lysergic acid
16 diethylamide (LSD), or an analog thereof, or (ii) 600
17 or more objects or 600 or more segregated parts of an
18 object or objects but less than 1500 objects or 1500
19 segregated parts of an object or objects containing in
20 them or having upon them any amount of any substance
21 containing lysergic acid diethylamide (LSD), or an
22 analog thereof;

23 (D) not less than 15 years and not more than 60
24 years with respect to: (i) 900 grams or more of any
25 substance containing lysergic acid diethylamide (LSD),
26 or an analog thereof, or (ii) 1500 or more objects or
27 1500 or more segregated parts of an object or objects
28 containing in them or having upon them any amount of a
29 substance containing lysergic acid diethylamide (LSD),
30 or an analog thereof;

31 (7.5) (A) not less than 6 years and not more than 30
32 years with respect to: (i) 15 grams or more but less
33 than 100 grams of a substance listed in paragraph (1),
34 (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
35 (25), or (26) of subsection (d) of Section 204, or an
36 analog or derivative thereof, or (ii) 15 or more pills,

1 tablets, caplets, capsules, or objects but less than
2 200 pills, tablets, caplets, capsules, or objects
3 containing in them or having upon them any amounts of
4 any substance listed in paragraph (1), (2), (2.1), (3),
5 (14.1), (19), (20), (20.1), (21), (25), or (26) of
6 subsection (d) of Section 204, or an analog or
7 derivative thereof;

8 (B) not less than 9 years and not more than 40
9 years with respect to: (i) 100 grams or more but less
10 than 400 grams of a substance listed in paragraph (1),
11 (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
12 (25), or (26) of subsection (d) of Section 204, or an
13 analog or derivative thereof, or (ii) 200 or more
14 pills, tablets, caplets, capsules, or objects but less
15 than 600 pills, tablets, caplets, capsules, or objects
16 containing in them or having upon them any amount of
17 any substance listed in paragraph (1), (2), (2.1), (3),
18 (14.1), (19), (20), (20.1), (21), (25), or (26) of
19 subsection (d) of Section 204, or an analog or
20 derivative thereof;

21 (C) not less than 12 years and not more than 50
22 years with respect to: (i) 400 grams or more but less
23 than 900 grams of a substance listed in paragraph (1),
24 (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
25 (25), or (26) of subsection (d) of Section 204, or an
26 analog or derivative thereof, or (ii) 600 or more
27 pills, tablets, caplets, capsules, or objects but less
28 than 1,500 pills, tablets, caplets, capsules, or
29 objects containing in them or having upon them any
30 amount of any substance listed in paragraph (1), (2),
31 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or
32 (26) of subsection (d) of Section 204, or an analog or
33 derivative thereof;

34 (D) not less than 15 years and not more than 60
35 years with respect to: (i) 900 grams or more of any
36 substance listed in paragraph (1), (2), (2.1), (3),

1 (14.1), (19), (20), (20.1), (21), (25), or (26) of
2 subsection (d) of Section 204, or an analog or
3 derivative thereof, or (ii) 1,500 or more pills,
4 tablets, caplets, capsules, or objects containing in
5 them or having upon them any amount of a substance
6 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),
7 (20), (20.1), (21), (25), or (26) of subsection (d) of
8 Section 204, or an analog or derivative thereof;

9 (8) 30 grams or more of any substance containing
10 pentazocine or any of the salts, isomers and salts of
11 isomers of pentazocine, or an analog thereof;

12 (9) 30 grams or more of any substance containing
13 methaqualone or any of the salts, isomers and salts of
14 isomers of methaqualone, or an analog thereof;

15 (10) 30 grams or more of any substance containing
16 phencyclidine or any of the salts, isomers and salts of
17 isomers of phencyclidine (PCP), or an analog thereof;

18 (10.5) 30 grams or more of any substance containing
19 ketamine or any of the salts, isomers and salts of isomers
20 of ketamine, or an analog thereof;

21 (11) 200 grams or more of any substance containing any
22 other controlled substance classified in Schedules I or II,
23 or an analog thereof, which is not otherwise included in
24 this subsection.

25 (b) Any person sentenced with respect to violations of
26 paragraph (1), (2), (3), ~~(6.5), (6.6)~~, (7), or (7.5) of
27 subsection (a) involving 100 grams or more of the controlled
28 substance named therein, may in addition to the penalties
29 provided therein, be fined an amount not more than \$500,000 or
30 the full street value of the controlled or counterfeit
31 substance or controlled substance analog, whichever is
32 greater. The term "street value" shall have the meaning
33 ascribed in Section 110-5 of the Code of Criminal Procedure of
34 1963. Any person sentenced with respect to any other provision
35 of subsection (a), may in addition to the penalties provided
36 therein, be fined an amount not to exceed \$500,000.

1 (c) Any person who violates this Section with regard to the
2 following amounts of controlled or counterfeit substances or
3 controlled substance analogs, notwithstanding any of the
4 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
5 to the contrary, is guilty of a Class 1 felony. The fine for
6 violation of this subsection (c) shall not be more than
7 \$250,000:

8 (1) 1 gram or more but less than 15 grams of any
9 substance containing heroin, or an analog thereof;

10 (2) 1 gram or more but less than 15 grams of any
11 substance containing cocaine, or an analog thereof;

12 (3) 10 grams or more but less than 15 grams of any
13 substance containing morphine, or an analog thereof;

14 (4) 50 grams or more but less than 200 grams of any
15 substance containing peyote, or an analog thereof;

16 (5) 50 grams or more but less than 200 grams of any
17 substance containing a derivative of barbituric acid or any
18 of the salts of a derivative of barbituric acid, or an
19 analog thereof;

20 (6) 50 grams or more but less than 200 grams of any
21 substance containing amphetamine or any salt of an optical
22 isomer of amphetamine, or an analog thereof;

23 (6.5) (blank); ~~5 grams or more but less than 15 grams~~
24 ~~of any substance containing methamphetamine or any salt or~~
25 ~~optical isomer of methamphetamine, or an analog thereof;~~

26 (7) (i) 5 grams or more but less than 15 grams of any
27 substance containing lysergic acid diethylamide (LSD), or
28 an analog thereof, or (ii) more than 10 objects or more
29 than 10 segregated parts of an object or objects but less
30 than 15 objects or less than 15 segregated parts of an
31 object containing in them or having upon them any amount of
32 any substance containing lysergic acid diethylamide (LSD),
33 or an analog thereof;

34 (7.5) (i) 5 grams or more but less than 15 grams of any
35 substance listed in paragraph (1), (2), (2.1), (3), (14.1),
36 (19), (20), (20.1), (21), (25), or (26) of subsection (d)

1 of Section 204, or an analog or derivative thereof, or (ii)
2 more than 10 pills, tablets, caplets, capsules, or objects
3 but less than 15 pills, tablets, caplets, capsules, or
4 objects containing in them or having upon them any amount
5 of any substance listed in paragraph (1), (2), (2.1), (3),
6 (14.1), (19), (20), (20.1), (21), (25), or (26) of
7 subsection (d) of Section 204, or an analog or derivative
8 thereof;

9 (8) 10 grams or more but less than 30 grams of any
10 substance containing pentazocine or any of the salts,
11 isomers and salts of isomers of pentazocine, or an analog
12 thereof;

13 (9) 10 grams or more but less than 30 grams of any
14 substance containing methaqualone or any of the salts,
15 isomers and salts of isomers of methaqualone, or an analog
16 thereof;

17 (10) 10 grams or more but less than 30 grams of any
18 substance containing phencyclidine or any of the salts,
19 isomers and salts of isomers of phencyclidine (PCP), or an
20 analog thereof;

21 (10.5) 10 grams or more but less than 30 grams of any
22 substance containing ketamine or any of the salts, isomers
23 and salts of isomers of ketamine, or an analog thereof;

24 (11) 50 grams or more but less than 200 grams of any
25 substance containing a substance classified in Schedules I
26 or II, or an analog thereof, which is not otherwise
27 included in this subsection.

28 (c-5) (Blank). ~~Any person who violates this Section with~~
29 ~~regard to possession of any methamphetamine manufacturing~~
30 ~~chemical set forth in paragraph (z 1) of Section 102 with~~
31 ~~intent to manufacture 15 grams or more but less than 30 grams~~
32 ~~of methamphetamine, or salt of an optical isomer of~~
33 ~~methamphetamine or any analog thereof, is guilty of a Class 1~~
34 ~~felony. The fine for violation of this subsection (c-5) shall~~
35 ~~not be more than \$250,000.~~

36 (d) Any person who violates this Section with regard to any

1 other amount of a controlled or counterfeit substance
2 classified in Schedules I or II, or an analog thereof, which is
3 (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or
4 an analog thereof, or (iii) any substance containing
5 amphetamine or methamphetamine or any salt or optical isomer of
6 amphetamine or methamphetamine, or an analog thereof, is guilty
7 of a Class 2 felony. The fine for violation of this subsection
8 (d) shall not be more than \$200,000.

9 (d-5) (Blank). ~~Any person who violates this Section with
10 regard to possession of any methamphetamine manufacturing
11 chemical set forth in paragraph (z-1) of Section 102 with
12 intent to manufacture less than 15 grams of methamphetamine, or
13 salt of an optical isomer of methamphetamine or any analog
14 thereof, is guilty of a Class 2 felony. The fine for violation
15 of this subsection (d-5) shall not be more than \$200,000.~~

16 (e) Any person who violates this Section with regard to any
17 other amount of a controlled or counterfeit substance
18 classified in Schedule I or II, or an analog thereof, which
19 substance is not included under subsection (d) of this Section,
20 is guilty of a Class 3 felony. The fine for violation of this
21 subsection (e) shall not be more than \$150,000.

22 (f) Any person who violates this Section with regard to any
23 other amount of a controlled or counterfeit substance
24 classified in Schedule III is guilty of a Class 3 felony. The
25 fine for violation of this subsection (f) shall not be more
26 than \$125,000.

27 (g) Any person who violates this Section with regard to any
28 other amount of a controlled or counterfeit substance
29 classified in Schedule IV is guilty of a Class 3 felony. The
30 fine for violation of this subsection (g) shall not be more
31 than \$100,000.

32 (h) Any person who violates this Section with regard to any
33 other amount of a controlled or counterfeit substance
34 classified in Schedule V is guilty of a Class 3 felony. The
35 fine for violation of this subsection (h) shall not be more
36 than \$75,000.

1 (i) This Section does not apply to the manufacture,
2 possession or distribution of a substance in conformance with
3 the provisions of an approved new drug application or an
4 exemption for investigational use within the meaning of Section
5 505 of the Federal Food, Drug and Cosmetic Act.

6 (j) (Blank). ~~The presence of any methamphetamine~~
7 ~~manufacturing chemical in a sealed, factory imprinted~~
8 ~~container, including, but not limited to a bottle, box, or~~
9 ~~plastic blister package, at the time of seizure by law~~
10 ~~enforcement, is prima facie evidence that the methamphetamine~~
11 ~~manufacturing chemical located within the container is in fact~~
12 ~~the chemical so described and in the amount and dosage listed~~
13 ~~on the container. The factory imprinted container is admissible~~
14 ~~for a violation of this Section for purposes of proving the~~
15 ~~contents of the container.~~

16 (Source: P.A. 92-16, eff. 6-28-01; 92-256, eff. 1-1-02; 92-698,
17 eff. 7-19-02; 93-278, eff. 1-1-04.)

18 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

19 Sec. 402. Except as otherwise authorized by this Act, it is
20 unlawful for any person knowingly to possess a controlled or
21 counterfeit substance. A violation of this Act with respect to
22 each of the controlled substances listed herein constitutes a
23 single and separate violation of this Act.

24 (a) Any person who violates this Section with respect to
25 the following controlled or counterfeit substances and
26 amounts, notwithstanding any of the provisions of subsections
27 (c) and (d) to the contrary, is guilty of a Class 1 felony and
28 shall, if sentenced to a term of imprisonment, be sentenced as
29 provided in this subsection (a) and fined as provided in
30 subsection (b):

31 (1) (A) not less than 4 years and not more than 15
32 years with respect to 15 grams or more but less than
33 100 grams of a substance containing heroin;

34 (B) not less than 6 years and not more than 30
35 years with respect to 100 grams or more but less than

1 400 grams of a substance containing heroin;

2 (C) not less than 8 years and not more than 40
3 years with respect to 400 grams or more but less than
4 900 grams of any substance containing heroin;

5 (D) not less than 10 years and not more than 50
6 years with respect to 900 grams or more of any
7 substance containing heroin;

8 (2) (A) not less than 4 years and not more than 15
9 years with respect to 15 grams or more but less than
10 100 grams of any substance containing cocaine;

11 (B) not less than 6 years and not more than 30
12 years with respect to 100 grams or more but less than
13 400 grams of any substance containing cocaine;

14 (C) not less than 8 years and not more than 40
15 years with respect to 400 grams or more but less than
16 900 grams of any substance containing cocaine;

17 (D) not less than 10 years and not more than 50
18 years with respect to 900 grams or more of any
19 substance containing cocaine;

20 (3) (A) not less than 4 years and not more than 15
21 years with respect to 15 grams or more but less than
22 100 grams of any substance containing morphine;

23 (B) not less than 6 years and not more than 30
24 years with respect to 100 grams or more but less than
25 400 grams of any substance containing morphine;

26 (C) not less than 6 years and not more than 40
27 years with respect to 400 grams or more but less than
28 900 grams of any substance containing morphine;

29 (D) not less than 10 years and not more than 50
30 years with respect to 900 grams or more of any
31 substance containing morphine;

32 (4) 200 grams or more of any substance containing
33 peyote;

34 (5) 200 grams or more of any substance containing a

1 derivative of barbituric acid or any of the salts of a
2 derivative of barbituric acid;

3 (6) 200 grams or more of any substance containing
4 amphetamine or any salt of an optical isomer of
5 amphetamine;

6 (6.5) (blank); ~~(A) not less than 4 years and not more~~
7 ~~than 15 years with respect to 15 grams or more but less~~
8 ~~than 100 grams of a substance containing~~
9 ~~methamphetamine or any salt of an optical isomer of~~
10 ~~methamphetamine;~~

11 ~~(B) not less than 6 years and not more than 30~~
12 ~~years with respect to 100 grams or more but less than~~
13 ~~400 grams of a substance containing methamphetamine or~~
14 ~~any salt of an optical isomer of methamphetamine;~~

15 ~~(C) not less than 8 years and not more than 40~~
16 ~~years with respect to 400 grams or more but less than~~
17 ~~900 grams of a substance containing methamphetamine or~~
18 ~~any salt of an optical isomer of methamphetamine;~~

19 ~~(D) not less than 10 years and not more than 50~~
20 ~~years with respect to 900 grams or more of any~~
21 ~~substance containing methamphetamine or any salt of an~~
22 ~~optical isomer of methamphetamine;~~

23 (7) (A) not less than 4 years and not more than 15
24 years with respect to: (i) 15 grams or more but less
25 than 100 grams of any substance containing lysergic
26 acid diethylamide (LSD), or an analog thereof, or (ii)
27 15 or more objects or 15 or more segregated parts of an
28 object or objects but less than 200 objects or 200
29 segregated parts of an object or objects containing in
30 them or having upon them any amount of any substance
31 containing lysergic acid diethylamide (LSD), or an
32 analog thereof;

33 (B) not less than 6 years and not more than 30
34 years with respect to: (i) 100 grams or more but less
35 than 400 grams of any substance containing lysergic
36 acid diethylamide (LSD), or an analog thereof, or (ii)

1 200 or more objects or 200 or more segregated parts of
2 an object or objects but less than 600 objects or less
3 than 600 segregated parts of an object or objects
4 containing in them or having upon them any amount of
5 any substance containing lysergic acid diethylamide
6 (LSD), or an analog thereof;

7 (C) not less than 8 years and not more than 40
8 years with respect to: (i) 400 grams or more but less
9 than 900 grams of any substance containing lysergic
10 acid diethylamide (LSD), or an analog thereof, or (ii)
11 600 or more objects or 600 or more segregated parts of
12 an object or objects but less than 1500 objects or 1500
13 segregated parts of an object or objects containing in
14 them or having upon them any amount of any substance
15 containing lysergic acid diethylamide (LSD), or an
16 analog thereof;

17 (D) not less than 10 years and not more than 50
18 years with respect to: (i) 900 grams or more of any
19 substance containing lysergic acid diethylamide (LSD),
20 or an analog thereof, or (ii) 1500 or more objects or
21 1500 or more segregated parts of an object or objects
22 containing in them or having upon them any amount of a
23 substance containing lysergic acid diethylamide (LSD),
24 or an analog thereof;

25 (7.5) (A) not less than 4 years and not more than 15
26 years with respect to: (i) 15 grams or more but less
27 than 100 grams of any substance listed in paragraph
28 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
29 (25), or (26) of subsection (d) of Section 204, or an
30 analog or derivative thereof, or (ii) 15 or more pills,
31 tablets, caplets, capsules, or objects but less than
32 200 pills, tablets, caplets, capsules, or objects
33 containing in them or having upon them any amount of
34 any substance listed in paragraph (1), (2), (2.1), (3),
35 (14.1), (19), (20), (20.1), (21), (25), or (26) of
36 subsection (d) of Section 204, or an analog or

1 derivative thereof;

2 (B) not less than 6 years and not more than 30
3 years with respect to: (i) 100 grams or more but less
4 than 400 grams of any substance listed in paragraph
5 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
6 (25), or (26) of subsection (d) of Section 204, or an
7 analog or derivative thereof, or (ii) 200 or more
8 pills, tablets, caplets, capsules, or objects but less
9 than 600 pills, tablets, caplets, capsules, or objects
10 containing in them or having upon them any amount of
11 any substance listed in paragraph (1), (2), (2.1), (3),
12 (14.1), (19), (20), (20.1), (21), (25), or (26) of
13 subsection (d) of Section 204, or an analog or
14 derivative thereof;

15 (C) not less than 8 years and not more than 40
16 years with respect to: (i) 400 grams or more but less
17 than 900 grams of any substance listed in paragraph
18 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
19 (25), or (26) of subsection (d) of Section 204, or an
20 analog or derivative thereof, or (ii) 600 or more
21 pills, tablets, caplets, capsules, or objects but less
22 than 1,500 pills, tablets, caplets, capsules, or
23 objects containing in them or having upon them any
24 amount of any substance listed in paragraph (1), (2),
25 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or
26 (26) of subsection (d) of Section 204, or an analog or
27 derivative thereof;

28 (D) not less than 10 years and not more than 50
29 years with respect to: (i) 900 grams or more of any
30 substance listed in paragraph (1), (2), (2.1), (3),
31 (14.1), (19), (20), (20.1), (21), (25), or (26) of
32 subsection (d) of Section 204, or an analog or
33 derivative thereof, or (ii) 1,500 or more pills,
34 tablets, caplets, capsules, or objects containing in
35 them or having upon them any amount of a substance
36 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),

1 (20), (20.1), (21), (25), or (26) of subsection (d) of
2 Section 204, or an analog or derivative thereof;

3 (8) 30 grams or more of any substance containing
4 pentazocine or any of the salts, isomers and salts of
5 isomers of pentazocine, or an analog thereof;

6 (9) 30 grams or more of any substance containing
7 methaqualone or any of the salts, isomers and salts of
8 isomers of methaqualone;

9 (10) 30 grams or more of any substance containing
10 phencyclidine or any of the salts, isomers and salts of
11 isomers of phencyclidine (PCP);

12 (10.5) 30 grams or more of any substance containing
13 ketamine or any of the salts, isomers and salts of isomers
14 of ketamine;

15 (11) 200 grams or more of any substance containing any
16 substance classified as a narcotic drug in Schedules I or
17 II which is not otherwise included in this subsection.

18 (b) Any person sentenced with respect to violations of
19 paragraph (1), (2), (3), ~~(6.5)~~, (7), or (7.5) of subsection (a)
20 involving 100 grams or more of the controlled substance named
21 therein, may in addition to the penalties provided therein, be
22 fined an amount not to exceed \$200,000 or the full street value
23 of the controlled or counterfeit substances, whichever is
24 greater. The term "street value" shall have the meaning
25 ascribed in Section 110-5 of the Code of Criminal Procedure of
26 1963. Any person sentenced with respect to any other provision
27 of subsection (a), may in addition to the penalties provided
28 therein, be fined an amount not to exceed \$200,000.

29 (c) Any person who violates this Section with regard to an
30 amount of a controlled or counterfeit substance not set forth
31 in subsection (a) or (d) is guilty of a Class 4 felony. The
32 fine for a violation punishable under this subsection (c) shall
33 not be more than \$25,000.

34 (d) Any person who violates this Section with regard to any
35 amount of anabolic steroid is guilty of a Class C misdemeanor
36 for the first offense and a Class B misdemeanor for a

1 subsequent offense committed within 2 years of a prior
2 conviction.

3 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;
4 92-256, eff. 1-1-02.)

5 (720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

6 Sec. 407. (a) (1) ~~(A)~~ Any person 18 years of age or over who
7 violates any subsection of Section 401 or subsection (b) of
8 Section 404 by delivering a controlled, counterfeit or
9 look-alike substance to a person under 18 years of age may be
10 sentenced to imprisonment for a term up to twice the maximum
11 term and fined an amount up to twice that amount otherwise
12 authorized by the pertinent subsection of Section 401 and
13 Subsection (b) of Section 404.

14 (B) (Blank). ~~Any person 18 years of age or over who~~
15 ~~violates subdivision (a) (6.5), subdivision (a) (6.6),~~
16 ~~subdivision (c) (6.5), subsection (c) 5), subsection (d), or~~
17 ~~subsection (d) 5) of Section 401 by manufacturing~~
18 ~~methamphetamine, preparing to manufacture methamphetamine, or~~
19 ~~storing methamphetamine, methamphetamine ingredients, or~~
20 ~~methamphetamine waste in any vehicle or real property where a~~
21 ~~child under 18 years of age resides, is present, or is~~
22 ~~otherwise endangered by exposure to the methamphetamine,~~
23 ~~methamphetamine ingredients, methamphetamine waste, or~~
24 ~~methamphetamine manufacturing process may be sentenced to~~
25 ~~imprisonment for a term up to twice the maximum term and fined~~
26 ~~an amount up to twice that amount otherwise authorized by the~~
27 ~~pertinent subsection of Section 401 and subsection (b) of~~
28 ~~Section 404.~~

29 (2) Except as provided in paragraph (3) of this subsection,
30 any person who violates:

31 (A) subsection (c) of Section 401 by delivering or
32 possessing with intent to deliver a controlled,
33 counterfeit, or look-alike substance in or on, or within
34 1,000 feet of, a truck stop or safety rest area, is guilty
35 of a Class 1 felony, the fine for which shall not exceed

1 \$250,000;

2 (B) subsection (d) of Section 401 by delivering or
3 possessing with intent to deliver a controlled,
4 counterfeit, or look-alike substance in or on, or within
5 1,000 feet of, a truck stop or safety rest area, is guilty
6 of a Class 2 felony, the fine for which shall not exceed
7 \$200,000;

8 (C) subsection (e) of Section 401 or subsection (b) of
9 Section 404 by delivering or possessing with intent to
10 deliver a controlled, counterfeit, or look-alike substance
11 in or on, or within 1,000 feet of, a truck stop or safety
12 rest area, is guilty of a Class 3 felony, the fine for
13 which shall not exceed \$150,000;

14 (D) subsection (f) of Section 401 by delivering or
15 possessing with intent to deliver a controlled,
16 counterfeit, or look-alike substance in or on, or within
17 1,000 feet of, a truck stop or safety rest area, is guilty
18 of a Class 3 felony, the fine for which shall not exceed
19 \$125,000;

20 (E) subsection (g) of Section 401 by delivering or
21 possessing with intent to deliver a controlled,
22 counterfeit, or look-alike substance in or on, or within
23 1,000 feet of, a truck stop or safety rest area, is guilty
24 of a Class 3 felony, the fine for which shall not exceed
25 \$100,000;

26 (F) subsection (h) of Section 401 by delivering or
27 possessing with intent to deliver a controlled,
28 counterfeit, or look-alike substance in or on, or within
29 1,000 feet of, a truck stop or safety rest area, is guilty
30 of a Class 3 felony, the fine for which shall not exceed
31 \$75,000;

32 (3) Any person who violates paragraph (2) of this
33 subsection (a) by delivering or possessing with intent to
34 deliver a controlled, counterfeit, or look-alike substance in
35 or on, or within 1,000 feet of a truck stop or a safety rest
36 area, following a prior conviction or convictions of paragraph

1 (2) of this subsection (a) may be sentenced to a term of
2 imprisonment up to 2 times the maximum term and fined an amount
3 up to 2 times the amount otherwise authorized by Section 401.

4 (4) For the purposes of this subsection (a):

5 (A) "Safety rest area" means a roadside facility
6 removed from the roadway with parking and facilities
7 designed for motorists' rest, comfort, and information
8 needs; and

9 (B) "Truck stop" means any facility (and its parking
10 areas) used to provide fuel or service, or both, to any
11 commercial motor vehicle as defined in Section 18b-101 of
12 the Illinois Vehicle Code.

13 (b) Any person who violates:

14 (1) subsection (c) of Section 401 in any school, or any
15 conveyance owned, leased or contracted by a school to
16 transport students to or from school or a school related
17 activity, or residential property owned, operated or
18 managed by a public housing agency or leased by a public
19 housing agency as part of a scattered site or mixed-income
20 development, or public park, on the real property
21 comprising any school or residential property owned,
22 operated or managed by a public housing agency or leased by
23 a public housing agency as part of a scattered site or
24 mixed-income development, or public park or within 1,000
25 feet of the real property comprising any school or
26 residential property owned, operated or managed by a public
27 housing agency or leased by a public housing agency as part
28 of a scattered site or mixed-income development, or public
29 park, on the real property comprising any church,
30 synagogue, or other building, structure, or place used
31 primarily for religious worship, or within 1,000 feet of
32 the real property comprising any church, synagogue, or
33 other building, structure, or place used primarily for
34 religious worship, on the real property comprising any of
35 the following places, buildings, or structures used
36 primarily for housing or providing space for activities for

1 senior citizens: nursing homes, assisted-living centers,
2 senior citizen housing complexes, or senior centers
3 oriented toward daytime activities, or within 1,000 feet of
4 the real property comprising any of the following places,
5 buildings, or structures used primarily for housing or
6 providing space for activities for senior citizens:
7 nursing homes, assisted-living centers, senior citizen
8 housing complexes, or senior centers oriented toward
9 daytime activities is guilty of a Class X felony, the fine
10 for which shall not exceed \$500,000;

11 (2) subsection (d) of Section 401 in any school, or any
12 conveyance owned, leased or contracted by a school to
13 transport students to or from school or a school related
14 activity, or residential property owned, operated or
15 managed by a public housing agency or leased by a public
16 housing agency as part of a scattered site or mixed-income
17 development, or public park, on the real property
18 comprising any school or residential property owned,
19 operated or managed by a public housing agency or leased by
20 a public housing agency as part of a scattered site or
21 mixed-income development, or public park or within 1,000
22 feet of the real property comprising any school or
23 residential property owned, operated or managed by a public
24 housing agency or leased by a public housing agency as part
25 of a scattered site or mixed-income development, or public
26 park, on the real property comprising any church,
27 synagogue, or other building, structure, or place used
28 primarily for religious worship, or within 1,000 feet of
29 the real property comprising any church, synagogue, or
30 other building, structure, or place used primarily for
31 religious worship, on the real property comprising any of
32 the following places, buildings, or structures used
33 primarily for housing or providing space for activities for
34 senior citizens: nursing homes, assisted-living centers,
35 senior citizen housing complexes, or senior centers
36 oriented toward daytime activities, or within 1,000 feet of

1 the real property comprising any of the following places,
2 buildings, or structures used primarily for housing or
3 providing space for activities for senior citizens:
4 nursing homes, assisted-living centers, senior citizen
5 housing complexes, or senior centers oriented toward
6 daytime activities is guilty of a Class 1 felony, the fine
7 for which shall not exceed \$250,000;

8 (3) subsection (e) of Section 401 or Subsection (b) of
9 Section 404 in any school, or any conveyance owned, leased
10 or contracted by a school to transport students to or from
11 school or a school related activity, or residential
12 property owned, operated or managed by a public housing
13 agency or leased by a public housing agency as part of a
14 scattered site or mixed-income development, or public
15 park, on the real property comprising any school or
16 residential property owned, operated or managed by a public
17 housing agency or leased by a public housing agency as part
18 of a scattered site or mixed-income development, or public
19 park or within 1,000 feet of the real property comprising
20 any school or residential property owned, operated or
21 managed by a public housing agency or leased by a public
22 housing agency as part of a scattered site or mixed-income
23 development, or public park, on the real property
24 comprising any church, synagogue, or other building,
25 structure, or place used primarily for religious worship,
26 or within 1,000 feet of the real property comprising any
27 church, synagogue, or other building, structure, or place
28 used primarily for religious worship, on the real property
29 comprising any of the following places, buildings, or
30 structures used primarily for housing or providing space
31 for activities for senior citizens: nursing homes,
32 assisted-living centers, senior citizen housing complexes,
33 or senior centers oriented toward daytime activities, or
34 within 1,000 feet of the real property comprising any of
35 the following places, buildings, or structures used
36 primarily for housing or providing space for activities for

1 senior citizens: nursing homes, assisted-living centers,
2 senior citizen housing complexes, or senior centers
3 oriented toward daytime activities is guilty of a Class 2
4 felony, the fine for which shall not exceed \$200,000;

5 (4) subsection (f) of Section 401 in any school, or any
6 conveyance owned, leased or contracted by a school to
7 transport students to or from school or a school related
8 activity, or residential property owned, operated or
9 managed by a public housing agency or leased by a public
10 housing agency as part of a scattered site or mixed-income
11 development, or public park, on the real property
12 comprising any school or residential property owned,
13 operated or managed by a public housing agency or leased by
14 a public housing agency as part of a scattered site or
15 mixed-income development, or public park or within 1,000
16 feet of the real property comprising any school or
17 residential property owned, operated or managed by a public
18 housing agency or leased by a public housing agency as part
19 of a scattered site or mixed-income development, or public
20 park, on the real property comprising any church,
21 synagogue, or other building, structure, or place used
22 primarily for religious worship, or within 1,000 feet of
23 the real property comprising any church, synagogue, or
24 other building, structure, or place used primarily for
25 religious worship, on the real property comprising any of
26 the following places, buildings, or structures used
27 primarily for housing or providing space for activities for
28 senior citizens: nursing homes, assisted-living centers,
29 senior citizen housing complexes, or senior centers
30 oriented toward daytime activities, or within 1,000 feet of
31 the real property comprising any of the following places,
32 buildings, or structures used primarily for housing or
33 providing space for activities for senior citizens:
34 nursing homes, assisted-living centers, senior citizen
35 housing complexes, or senior centers oriented toward
36 daytime activities is guilty of a Class 2 felony, the fine

1 for which shall not exceed \$150,000;

2 (5) subsection (g) of Section 401 in any school, or any
3 conveyance owned, leased or contracted by a school to
4 transport students to or from school or a school related
5 activity, or residential property owned, operated or
6 managed by a public housing agency or leased by a public
7 housing agency as part of a scattered site or mixed-income
8 development, or public park, on the real property
9 comprising any school or residential property owned,
10 operated or managed by a public housing agency or leased by
11 a public housing agency as part of a scattered site or
12 mixed-income development, or public park or within 1,000
13 feet of the real property comprising any school or
14 residential property owned, operated or managed by a public
15 housing agency or leased by a public housing agency as part
16 of a scattered site or mixed-income development, or public
17 park, on the real property comprising any church,
18 synagogue, or other building, structure, or place used
19 primarily for religious worship, or within 1,000 feet of
20 the real property comprising any church, synagogue, or
21 other building, structure, or place used primarily for
22 religious worship, on the real property comprising any of
23 the following places, buildings, or structures used
24 primarily for housing or providing space for activities for
25 senior citizens: nursing homes, assisted-living centers,
26 senior citizen housing complexes, or senior centers
27 oriented toward daytime activities, or within 1,000 feet of
28 the real property comprising any of the following places,
29 buildings, or structures used primarily for housing or
30 providing space for activities for senior citizens:
31 nursing homes, assisted-living centers, senior citizen
32 housing complexes, or senior centers oriented toward
33 daytime activities is guilty of a Class 2 felony, the fine
34 for which shall not exceed \$125,000;

35 (6) subsection (h) of Section 401 in any school, or any
36 conveyance owned, leased or contracted by a school to

1 transport students to or from school or a school related
2 activity, or residential property owned, operated or
3 managed by a public housing agency or leased by a public
4 housing agency as part of a scattered site or mixed-income
5 development, or public park, on the real property
6 comprising any school or residential property owned,
7 operated or managed by a public housing agency or leased by
8 a public housing agency as part of a scattered site or
9 mixed-income development, or public park or within 1,000
10 feet of the real property comprising any school or
11 residential property owned, operated or managed by a public
12 housing agency or leased by a public housing agency as part
13 of a scattered site or mixed-income development, or public
14 park, on the real property comprising any church,
15 synagogue, or other building, structure, or place used
16 primarily for religious worship, or within 1,000 feet of
17 the real property comprising any church, synagogue, or
18 other building, structure, or place used primarily for
19 religious worship, on the real property comprising any of
20 the following places, buildings, or structures used
21 primarily for housing or providing space for activities for
22 senior citizens: nursing homes, assisted-living centers,
23 senior citizen housing complexes, or senior centers
24 oriented toward daytime activities, or within 1,000 feet of
25 the real property comprising any of the following places,
26 buildings, or structures used primarily for housing or
27 providing space for activities for senior citizens:
28 nursing homes, assisted-living centers, senior citizen
29 housing complexes, or senior centers oriented toward
30 daytime activities is guilty of a Class 2 felony, the fine
31 for which shall not exceed \$100,000.

32 (c) Regarding penalties prescribed in subsection (b) for
33 violations committed in a school or on or within 1,000 feet of
34 school property, the time of day, time of year and whether
35 classes were currently in session at the time of the offense is
36 irrelevant.

1 (Source: P.A. 92-16, eff. 6-28-01; 93-223, eff. 1-1-04.)

2 (720 ILCS 570/405.3 rep.)

3 (720 ILCS 570/411.3 rep.)

4 Section 915. The Illinois Controlled Substances Act is
5 amended by repealing Sections 405.3 and 411.3.

6 Section 999. Effective date. This Act takes effect 30 days
7 after becoming law.